



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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December 24, 2015

BY ECF

Honorable James Orenstein
United States Magistrate Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Phillpotts v. City of New York, et al., 15-cv-06795-JBW-JO

Dear Magistrate Judge Orenstein:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendant City of New York ("City") in the above-referenced matter, in which plaintiff alleges, *inter alia*, that he was falsely arrested on or about March 26, 2015. Defendant City writes to respectfully request a sixty (60) day an enlargement of time to answer or otherwise respond to plaintiff's complaint, from December 24, 2015 to February 22, 2016. Plaintiff's counsel consents to this request.

In order to properly respond to plaintiff's allegations, this Office needs to obtain the underlying police records. It is our understanding that the police records may be sealed pursuant to New York Criminal Procedure Law § 160.50.

In order to move this litigation forward as expeditiously as possible, plaintiff's counsel has provided a NYCPL §160.50 release and this Office is in the process of obtaining records.

No previous request for an enlargement of time has been made by defendant City. Accordingly, this office respectfully requests that Your Honor grant defendant City an

enlargement of time, until February 22, 2016, to answer or otherwise respond to plaintiff's complaint.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda Mindrutiu", with a stylized flourish at the end.

Linda Mindrutiu
Assistant Corporation Counsel
Special Federal Litigation Division

BY ECF
Gabe Harvis